

Friedman Siegelbaum Docket No.: 2698/Meinke

Declaration and Power of Attorney for Patent Application
Erklärung Für Patentanmeldungen Mit Vollmacht
German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eide Statt.

dass mein Wohnsitz, meine Postanschrift, und meine Staatsangehörigkeit den im Nachstehenden nach meinem Name aufgeführten Angaben entsprechen,

dass ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstands bin, für den dieser Antrag gestellt wird und für den ein Patent beantragt wird für die Erfindung mit dem Titel:
"Hydraulic Circuit for a Hydraulic Excavator"

deren Beschreibung
(zutreffendes ankreuzen)

☒ hier beigefügt ist.

☐ am _____ unter der
Anmeldungsseriennummer _____
eingereicht wurde und am _____
abgeändert wurde (falls tatsächlich abgeändert).

Ich bestätige hiermit, dass ich den Inhalt der obigen Patentanmeldung einschliesslich der Ansprüche durchgesehen und verstanden habe, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde.

Ich erkenne meine Pflicht zur Offenbarung irgendwelcher Informationen, die für die Prüfung der vorliegenden Anmeldung in Einklang mit Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) von Wichtigkeit sind, an.

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Abschnitt 35 der Zivilprozessordnung der Vereinigten Staaten Paragraph 119 aller unten angegebenen Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde, und habe auch alle Auslandsanmeldungen für ein Patent oder eine Erfindersurkunde nachstehend gekennzeichnet, die ein Anmeldedatum haben, da vor dem Anmeldedatum der Anmeldung liegt, für die Priorität beansprucht wird.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which
(check one)

☐ is attached hereto.

☐ was filed on _____
Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the content of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

German Language Declaration

Prior foreign applications

Priorität beansprucht

Priority Claimed

u6
6 97/05792 PCT 21 Oct. 1997
(Number) (Country) 27 Jan 1998
(Nummer) (Land) (Day/Month/Year Filed)
(Tag/Monat/Jahr eingereicht)

19652922.0 Germany 19/12/96
(Number) (Country) (Day/Month/Year Filed)
(Nummer) (Land) (Tag/Monat/Jahr eingereicht)

[X] []
Yes No
Ja Nein

[X] []
Yes No
Ja Nein

Ich beanspruche hiermit gemäss Absatz 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 120, den Vorzug aller unten aufgeführten Anmeldungen und falls der Gegenstand aus jedem Anspruch dieser Anmeldung nicht in einer früheren amerikanischen Patentanmeldung laut dem erste Paragraphen des Absatzes 35 der Zivilprozessordnung der Vereinigten Staaten, Paragraph 112 offenbart ist, erkenne ich gemäss Absatz 37, Bundesgesetzbuch, Paragraph 1.56(a) mein Pflicht zur Offenbarung von Informationen an, die zwischen dem Anmeldedatum der früheren Anmeldung und dem nationalen oder PCT internationalen Anmeldedatum dieser Anmeldung bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.) (Filing Date)
(Anmeldeseriennummer) (Anmeldedatum)

(Status)
(patentiert, anhängig,
aufgegeben)

(Status)
(patented, pending,
abandoned)

(Application Serial No.) (Filing Date)
(Anmeldeseriennummer) (Anmeldedatum)

(Status)
(patentiert, anhängig,
aufgegeben)

(Status)
(patented, pending,
abandoned)

Ich erkläre hiermit, dass alle von mir in der vorliegenden Erklärung gemachten Angaben nach meinem besten Wissen und Gewissen der vollen Wahrheit entsprechen, und dass ich diese eidesstattliche Erklärung in Kenntnis dessen abgebe, dass wissentlich und vorsätzlich falsche Angaben gemäss Paragra 1001, Absatz 18 der Zivilprozessordnung der Vereinigten Staaten von Amerika mit Geldstrafe belegt und/oder Gefängnis bestraft werden können, und dass derartig wissentlich und vorsätzlich falsche Angaben die Gültigkeit der vorliegenden Patentanmeldung oder eines darauf erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

JUN. 9. 1999 4:53PM

FRIEDMAN SIEGELBAUM

NO. 3198 P. 20

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German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich mit den nachstehend benannten Patentanwalt (oder die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent- und Warenzeichenamt.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Stanley I. Rosen, Reg. No. 19,441
 Richard I. Samuel, Reg. No. 24,435
 Shahan Islam, Reg. No. 32,507
 Theresa A. O'Rourke, Reg. No. 40,747
 Nicholas J. DuBois, Reg. No. 41,719

5

Telefongespräche bitte richten an:
 Shahan Islam

Direct Telephone Calls to:
 (973) 992-1990, Ext. 191

Postanschrift:

Send Correspondence to:

FRIEDMAN SIEGELBAUM

Seven Becker Farm Road

Roseland, New Jersey 07068-1757

Unterschrift des Erfinders

Datum

Uwe Esch

14.6 Juni, 1999

Voller Name des einzigen oder ursprünglichen Erfinders:

Uwe Esch

Wohnsitz

Harnackstrasse 8

D-44139 Dortmund

Germany

Staatsangehörigkeit

Germany

Postanschrift

Inventor's Signature

Date

Full name of first or sole inventor

Residence

Citizenship

Post Office Address

Unterschrift des Erfinders

Datum

Gottfried Drieschner

14. Juni, 1999

Voller Name des zweiten Miterfinders

Gottfried Drieschner

Wohnsitz

Kirchhörder Kopf 53

D-44229 Dortmund

Germany

FAUSERS\ANNE\MEINKE\2698\GERMAN DECL.DOC

Inventor's Signature

Date

Full name of second joint inventor, if any

No citizenship

Inv # 2.

Residence only

MM

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German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage ich den nachstehend benannten Patentanwalt (oder die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent- und Warenzeichenamt:

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Wohnsitz

Harnackstrasse 8

D-44139 Dortmund

Germany

Staatsangehörigkeit

Germany

Postanschrift

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Kirchhörder Kopf 53

D-44229 Dortmund

Germany

FAUSERS\ANNE\MEINKE\2698\GERMAN DECL.DOC

Inventor's Signature

Date

Full name of first or sole inventor

Residence

Citizenship

Post Office Address

Inventor's Signature

Date

Full name of second joint inventor, if any

Residence

Citizenship

Friedman Siegelbaum Docket No.: 2698/Meinke
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: (check one) ☒ Application of: Uwe Esch & Gottfried Drieschner
(Inventor Names)

☐ Patent of:

☒ Serial No.: Unassigned ☐ Patent No.: _____
Serial No. Patent No.

☒ Filed.: Herewith Examiner: _____
Filing Date or Herewith

☐ Issued: _____ Group Art Unit: _____
Date of Issuance

For: Hydraulic Circuit for a Hydraulic Excavator
Title of Invention

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)]-Small Business Concern

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of concern O&K Mining GmbH

Address of concern Karl-Funke Strasse 3/6

D-44149 Dortmund, Germany

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled, Hydraulic Circuit for a Hydraulic Excavator by inventor(s) Uwe Esch & Gottfried Drieschner
(Title of Application) Inventor Name(s)

described in:

☐ the specification filed herewith

☐ application serial no. _____, filed _____

\\FS1\SYS\users\Anne\MEINKE\2698\2SED.doc

Friedman Siegelbaum Docket No.: 2698/Meinke

☐ patent no. filed

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below * and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Full Name: _____

Address: _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Full Name: _____

Address: _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Full Name: _____

Address: _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is not longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

Shahan Islam
FRIEDMAN SIEGELBAUM
Seven Becker Farm Road
Roseland, New Jersey 07068-1757

Direct Telephone calls to:

Shahan Islam, Esq.
(973) 992-1990, Ext. 191

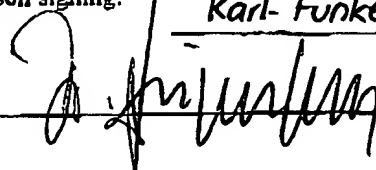
Name of person signing: _____

Friederich Kreigenfeld

Address of person signing: _____

Karl-Funke-Str. 36; 44149 Dortmund

Signature: _____



Date: *15. Juni 1999*

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities.

\\FS1\\SYS\\users\\Anne\\MEINKE\\2698\\2SED.doc

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Patent and Trademark Office
PATENT
18 JUN 1999

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PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
☐ Resubmission (Non-Recordation)
☐ Document ID#
☐ Correction of PTO Error
Reel # Frame #
☐ Corrective Document
☐ Reel # Frame #

Conveyance Type

- ☒ Assignment
☐ License
☐ Merger
☐ Security Agreement
☐ Change of Name
☐ Other

U. S. Government

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Department File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1)	Month	Day	Year
Uwe Esch	6	14	99
Name (line 2)			

Second Party

Name (line 1)	Month	Day	Year
Gottfried Drieschner	6	14	99
Name (line 2)			

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1)	O & K Mining GmbH	<input type="checkbox"/> If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)	
Name (line 2)	Karl-Funke Strasse 36		
Address (line 1)			
Address (line 2)			
Address (line 3)	Dortmund	Germany	D-44149
	City	State/County	Zip Code

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name	Shahan Islam, Esq.
Address (line 1)	Friedman Siegelbaum LLP
Address (line 2)	7 Becker Farm Road
Address (line 3)	Roseland, NJ 07068
Address (line 4)	

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Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number

Name

Address (line 1)

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Pages

Enter the total number of pages of the attached conveyance document
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#

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>
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If this document is being filed with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number

PCT

PCT

PCT

only if a U.S. Application Number

PCT

PCT

PCT

has not been assigned.

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41:

\$

Method of Payment:

Enclosed ☐

Deposit Account ☒

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number

#

Authorization to charge additional fees:

Yes ☒

No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Name of Person Signing


Signature

Date

JUN. -9. 1999 4:54PM

FRIEDMAN SIEGELBAUM

Friedman Siegelbaum Docket

NO. 3198 P. 21

2698/Meinke

ASSIGNMENT (JOINT)

WHEREAS, WE Uwe Esch & Gottfried Drieschner, ASSIGNORS and citizens of
Germany, residing at Harnackstrasse 8 and Kirchhörder Kopf 53, (both) Dortmund, Germany

Country

Home Addresses

are the inventors of the invention in Hydraulic Circuit for a Hydraulic Excavator

Title of Application

for which we have executed an application for a Patent of the United States; and

☐ which is executed on ☐ even date herewith or ☒ _____
Date of Execution

X which is identified by Friedman Siegelbaum Docket No. 2698/Meinke

☐ which was filed on _____ Serial no. _____

WHEREAS, O & K Mining GmbH, **ASSIGNEE** is desirous of
Name of Assignee

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said **ASSIGNORS**, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said **ASSIGNEE**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said **ASSIGNEE**, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, or will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said **ASSIGNEE**, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said **ASSIGNEE**, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.


IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date: 14.6 1999

Date: 14.6. 1999

Date: _____, 1999

Date: _____ 1999



 Signature Uwe Esch

 Signature Gottfried Drieschner

 Signature

 Signature